


In the last Office Action, it was noted that there is inconsistency in Nos. 14-B in Fig. 3 and 14-A in Fig.5, this being not consistent with the description on page 4, line 5, and also that No. 18 (page 4, line 9) is missing. Correction was required. Accordingly, there are enclosed with this Response copies of the drawings, pages 1-5, showing the proposed changes made in red ink. The other items that were presented in the "Notice of Draftsperson's Patent Drawing Review" are more of a formal nature, and these will be remedied when the formal drawings are prepared. When these changes in the drawings are approved, the text will be amended to make the necessary corrections.

Following this Remarks section and attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this Monday, April 15, 2002.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 2, 3, 5-8, 29, and 32-36 have been canceled.

Claims 1, 10, 11, 14, 15, 16, 18, 19, 22-28, 30, 31, 37, 38, and 40-43 have been amended as follows:

1. (Amended) An apparatus to create musical noise comprising:

a shaker having an inner surface defining a central cavity where a plurality of impact particles are contained therein, a central base portion having a lower surface and an upper surface

a frame member having a first base support surface and a second support surface

a first spring member having a lower portion and an upper portion where the lower ~~member portion~~ portion is supported by the said first base support surface of the said frame member,

a drive rod having a lower portion, a central portion and an upper portion, and comprising a lower stop member positioned below the second support surface of the frame member ~~and the stop member having an upper surface~~, the drive rod further comprising:

~~a nut~~ an intermediate stop member having a lower surface and an upper surface;

an upper stop member having a lower stop surface

a second spring interposed between the upper surface of the ~~nut~~ intermediate stop member and the lower surface of the central base portion of the shaker ~~whereas so that~~ the second spring is adapted to apply a vertical force to the shaker;

~~whereas~~whereby, the central base portion of the shaker is  
slidably connected to the said drive rod and is interposed  
between the second spring member and the lower stop  
surface of the upper stop member.

10. (Amended) The apparatus as recited in claim 1 where the shaker is  
~~Taurus~~torus shaped.
11. (Amended) The apparatus as recited in claim 1 where the frame is  
member comprises a cylinder and the ~~central drive~~ rod is adapted to  
extend therethrough.
14. (Amended) The apparatus as recited in claim 1 where ~~the intermediate~~  
stop member comprises a nut member which is adapted to be threaded to  
~~the central section of the drive rod.~~
15. (Amended) The apparatus as recited in claim 1 ~~further comprising, where~~  
wherein, the lower stop surface of the stop member comprises a  
cushioning material.
16. (Amended) A method of creating a musical noise comprising the steps of:  
  
~~retrieving providing~~ a shaker having an inner surface defining a  
cavity containing a plurality of impact particles that are  
loosely positioned therein to create a rattling noise when  
impacting the said inner surface,  
  
slidably positioning the said shaker on a first member between a  
stop member having an impact surface and a shaker spring  
having a first and second ~~location~~engaging portions, where  
the first ~~location~~engaging portion of the shaker spring is  
operatively engaged to the first member and the second  
~~location is adapted to engage~~engaging portion engages the  
shaker,  
  
displacing the first member ~~whereas~~in a manner that when the  
first member is displaced in a first direction, ~~and the impact~~

surface of the stop member ~~apply the~~ applies force to the shaker, ~~and thereby causing an acceleration of the shaker~~ in the first direction,

~~deaccelerating~~ decelerating the first member ~~whereby thereby~~ causing the shaker to compress the shaker spring,

the shaker spring accelerates the shaker in a second direction,

the shaker impacts the impact surface of the stop member ~~whereby thereby~~ deaccelerating decelerating the shaker traveling in the second direction,

~~whereas~~ whereby, the impact particles loosely positioned in the said cavity of the shaker are adapted to create a musical noise based upon the accelerations of the shaker in the said first and second direction.

18. (Amended) The method as recited in claim 17 where ~~the mean mass~~ there is a sufficiently high rate of acceleration and/or deceleration of the shaker so that the impact particles are become positioned above ~~the a~~ a resting state position of the impact particles and hence as the impact particles fall on the lower portion of the inner surface of the shaker, a downward force is exerted thereon and the shaker spring is compressed has a compression force exerted thereon.
19. (Amended) The method as recited in claim 18 ~~where the harmonic action is a campaign oscillating action~~ wherein said compression force causes an oscillating movement of the shaker.
22. (Amended) The method as recited in claim 16 ~~further comprising wherein~~ there is further provided a base spring which having a first and second location, where the first location is operatively engaged to the said first member and the second location is operatively engaged to the first member and arranged so that to a frame member ~~whereas when the first member travels in the said first direction the base spring compresses and~~

the base spring ~~helps accelerate~~ exerts an accelerating force on the first member in the said second direction.

23. (Amended) The method as recited in 22 ~~where the~~ wherein there is a frame member which is stationary with respects ~~respect~~ to the ~~substantially reciprocating movement of the~~ first member.
24. (Amended) The method as recited in claim 16, where the first and second directions are diametrically opposed to one another.
25. (Amended) The method as recited in claim 16, further comprising the steps of supplying a foot pedal connected to the said first member ~~whereas and~~ depressing and releasing the foot pedal ~~causes to cause movement of~~ the first member, ~~to be displaced in the said first direction.~~
26. (Amended) An apparatus to create musical noise comprising:
- a) a first member having a longitudinal axis ~~where with~~ the first member ~~is adapted being arranged~~ to travel in a substantially reciprocating motion along the said longitudinal axis ~~where the range of travel along the said longitudinal axis is defined as a first range,~~ the first member ~~comprises~~ comprising:
    - i) a first stop location ~~having engaging~~ a first portion of a shaker spring ~~operatively engaged thereto where and~~ the shaker spring ~~has~~ having a second portion located ~~on the opposite region with respects to~~ at a second location spaced from the first portion,
    - ii) a second stop location located on the first member at a distance from the first stop location, ~~within the said~~ first range,

b) a shaker having an inner surface defining a cavity that is adapted to hold a plurality of impact particles,

c) whereas the shaker is adapted being arranged to be moved in the direction of the longitudinal axis and at least a portion of the shaker is adapted being arranged to move between the second stop location and a the second portion of the said shaker spring.

27. (Amended) The apparatus as recited in claim 26 ~~where the second stop location has~~ wherein the shaker is positioned on the first member to move into and out of contact with an impact surface that is adapted to engage at least a portion of the shaker. of the second stop location.

28. (Amended) The apparatus as recited in claim 27 ~~further comprising where~~ wherein the shaker has is arranged to have a rest position where at least a portion of the shaker is in contact with the said impact surface of the second stop location and the said shaker spring biases is arranged to bias the shaker theretoward the impact surface.

30. (Amended) The apparatus as recited in claim 27-28 ~~where the longitudinal axis has a first direction and a second direction.~~ wherein there is a base spring which is operatively engaged to the first member to urge the first member in the second direction.

31. (Amended) The apparatus as recited in claim 30 ~~where~~ wherein the apparatus is arranged so that when the shaker is adapted to move moves in the first direction by a force caused by the impact surface at the second stop location caused by to cause an acceleration of the first member in the first direction. the base spring is compressed to provide a restraining force.

37. (Amended) The apparatus as recited in claim 26 where the longitudinal axis has a first direction and a second direction, and ~~where~~ the impact surface of the second stop location is adapted arranged to bias the shaker

toward ~~the~~ said first direction and ~~the second portion of the said shaker~~  
there is a base spring is adapted arranged to bias the ~~said shaker~~ toward  
the second direction.

38. (Amended) The apparatus as recited in claim 37 further comprising a  
frame member having a first portion of ~~a the~~ base spring operatively  
engaged thereto and a second portion of the base spring is operatively  
engaged to the said first member and ~~biases to bias~~ to bias the said first member  
toward ~~the~~ said second direction.
40. (Amended) The apparatus in claim 38 ~~further comprising where~~ wherein  
the first stop location is adapted arranged to engage an impact surface of  
the frame member and ~~is adapted to cause whereby there is a~~  
~~deaccelerating decelerating~~ of the first member when the first member  
~~travels is completing travel~~ in the said first direction.
41. (Amended) The apparatus as recited in 40 where the frame member  
further comprises a foot pedal connected thereto that is ~~adapted to~~  
~~displacing~~ arranged to displace the first member in the first direction.
42. (Amended) The apparatus as recited in claim 41 whereas said frame  
member is oriented so that the first direction is substantially vertically  
downward.
43. (Amended) The apparatus as recited in claim 42 ~~here~~ wherein the frame  
member is arranged so that the second direction ~~a~~ is substantially  
vertically upward.